

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MARTIN R. BUB,

Plaintiff,

v.

ORDER

WILLIAM SWIEKATOWSKI, SAMUEL MENNING,  
and CHRISTOPHER STEVENS,

15-cv-195-jdp

Defendants.

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Plaintiff Martin Bub, appearing pro se, is a former state of Wisconsin inmate currently incarcerated at the Winnebago County Jail. Bub alleges that when he was incarcerated at Green Bay Correctional Institution, defendant prison officials retaliated against him for defending himself against a conduct report, and violated his Fourth Amendment rights by authoring a false incident report to give officials pretext to collect his urine, into which they then planted cocaine. Trial is set for October 28, 2019.

Bub has filed a series of documents explaining his difficulties in preparing for trial. Bub filed a letter asking the court to postpone the trial until 2020 because he had been reincarcerated without access to any of his legal materials, Dkt. 77, and he followed with a motion asking for the court to recruit him counsel because of this problem, Dkt. 78. Defendants opposed the request to stay the trial date and stated that they would send Bub a complete set of the filings on the docket. After receiving the documents, Bub was released and then reincarcerated at the jail. He says that police officers threw away all of his legal materials while executing a search warrant, so he is in the same position as before. Bub also says that he will be unable to subpoena witnesses because he is indigent.

I will deny Bub's motions for counsel and to postpone the trial. Bub's major concern is that he does not have his legal materials. This is an understandable concern, but one that defendants previously rectified, and it can be fixed again. I will direct defendants to send Bub another copy of the docketed filings, as well as any discovery they previously turned over to Bub.

Bub's remaining concerns are not reason to move the trial date or to recruit counsel for him. I will follow this order with a trial preparation order that will include specific instructions about how Bub should present his claims at trial. I will also hold a final pretrial conference by phone at which I will explain how the court conducts trials and I will take questions from the parties.

Bub does not explain what witnesses he wants to subpoena, but defendants will inform him whether they plan on attending the trial in person, and Bub will not have to formally subpoena witnesses who agree to testify. More details about how to call witnesses are included in the court's preliminary pretrial conference order, Dkt. 16. I'll send the parties updated versions of those procedures and materials along with the trial preparation order. Because of Bub's difficulties in obtaining legal materials, I will also extend the parties' deadlines to submit pretrial materials, as set forth in the forthcoming trial preparation order.

ORDER

IT IS ORDERED that:

1. Plaintiff Martin Bub's motions to postpone the trial date, Dkt. 77 and Dkt. 83, are DENIED.
2. Plaintiff's motion for the court's assistance in recruiting him counsel, Dkt. 78, is DENIED without prejudice.
3. Defendants are directed to send Bub another copy of the filings on the docket and any discovery materials they previously gave Bub.

Entered September 12, 2019.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge